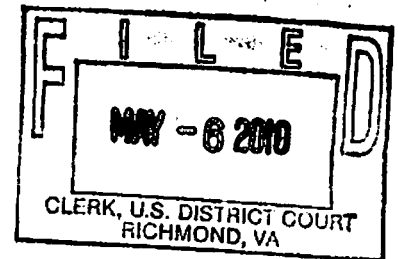


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DENNIS MELTON,

Plaintiff,

v.

Civil Action No. 3:09CV562

MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration,

Defendant.

ORDER

Having reviewed the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE entered herein on April 13, 2010 (Docket No. 13), the PLAINTIFF'S OBJECTIONS TO UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 14), the DEFENDANT'S RESPONSE TO PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 15), and having considered the record and the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE and finding no error therein, it is hereby ORDERED that:

- (1) The plaintiff's objections are overruled;
- (2) The REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE is ADOPTED on the basis of the reasoning of the Report and Recommendation;
- (3) The MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR REMAND (Docket Nos. 9 and 10) are denied;
- (4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 12) is granted; and

(5) The Commissioner's decision is affirmed.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: May 6, 2010